

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

United States of America, ex rel., Donna Rauch,	)	
Muriel Calhoun, and Brandy Knight,	)	
	)	Case No.: 6:15-cv-01589-DCC
Plaintiffs,	)	
	)	
v.	)	
	)	
Oaktree Medical Centre P.C., et. al.,	)	
	)	
Defendants.	)	
	)	
United States of America, ex rel.,	)	
Karen Mathewson,	)	
	)	Case No.: 6:17-cv-01190-DCC
Plaintiff,	)	
	)	
v.	)	
	)	
Dr. Daniel A. McCollum, et. al.,	)	
	)	
Defendants.	)	
	)	
United States of America, ex rel.,	)	
Tracy Hawkins, individually,	)	
	)	Case No.: 8:18-cv-02952-DCC
Plaintiff,	)	
	)	
v.	)	
	)	
Pain Management Associates of the	)	
Carolinas, LLC; Christopher Rubel, M.D.,	)	
	)	
Defendants.	)	

**UNITED STATES' MOTION FOR DEFAULT AGAINST  
PAIN MANAGEMENT ASSOCIATES OF THE CAROLINAS, LLC AND  
PAIN MANAGEMENT ASSOCIATES OF NORTH CAROLINA, P.C.**

Pursuant to Federal Rule of Civil Procedure 55(a), plaintiff United States of America moves for entry of default against defendants Pain Management Associates of the Carolinas, LLC

(PMA of the Carolinas) and Pain Management Associates of North Carolina, P.C. (PMA of North Carolina) (collectively, the PMA Defendants), and states:

1. The United States filed its Consolidated Complaint in Intervention (Complaint) on May 31, 2019. ECF No. 86.

2. On June 6, 2019, the PMA Defendants, through their counsel, waived service of the Complaint pursuant to Rule 4(d). ECF No. 95-1 at 5–6. As a result, the PMA Defendants’ response to the Complaint was due on August 5, 2019. ECF No. 95. The PMA Defendants’ deadline to respond to the Complaint was subsequently extended to September 4, 2019. ECF No. 101.

3. Despite the September 4, 2019 deadline for the PMA Defendants to file and serve an answer or a motion under Rule 12 in response to the Complaint, the PMA Defendants failed to plead or otherwise defend by that deadline.

4. On September 24, 2019, upon the United States’ motion, the Clerk entered a default against the PMA Defendants. ECF No. 213.

5. On September 26, 2019, the PMA Defendants moved to vacate the entry of default. ECF No. 215.

6. On September 30, 2019, the Court vacated the entry of default against the PMA Defendants and ordered that the PMA Defendants answer the Complaint by October 15, 2019. ECF No. 220.

7. On October 15, 2019, the PMA Defendants answered the Complaint. ECF No. 244.

8. On March 6, 2020, the Court ordered the parties to confer regarding the entry of a scheduling order. ECF No. 271.

9. Four days later, on March 10, 2020, counsel for the PMA Defendants moved to withdraw. ECF No. 274.

10. On March 12, 2020, the Court denied the motion to withdraw by counsel for the PMA Defendants, directing counsel to file a motion in compliance with Local Civil Rule 83.I.07. ECF No. 275.

11. On March 13, 2020, counsel for the PMA Defendants filed an amended motion to withdraw. ECF No. 276. In their motion, counsel for the PMA Defendants represented that: (1) there was a “lack of communication between counsel and clients”; (2) there were “issues regarding attorneys’ fees including inability to pay, lack of payment plan offered, and [PMA] Defendants’ status bordering bankruptcy as well as [PMA] Defendants’ intent to file for bankruptcy”; and (3) there were “potential positional conflicts in light of the changed dynamics between the [PMA] Defendants and the other entities in the case.” *Id.* at 1.

12. In their March 13, 2020 motion to withdraw, counsel for the PMA Defendants represented that they had notified the PMA Defendants by email and text message that the PMA Defendants: (1) “May not proceed without counsel”; (2) “Their counsel must be admitted in the District of South Carolina”; and (3) “They may be held in default or have their claims dismissed if the entities fail to obtain replacement counsel within a reasonable time.” ECF 276 at 2. Counsel for the PMA Defendants certified that counsel had provided notice of the foregoing to the PMA Defendants on March 11, 12, and 13, 2020, and had provided to the PMA Defendants a copy of the motion to withdraw. ECF No. 276-1.

13. On April 6, 2020, the Court granted the PMA Defendants’ counsel’s motion to withdraw. ECF No. 284. The Court’s Order further provided: “Defendants are reminded that

corporations cannot proceed pro se, and are further directed to notify the Court within 30 days as to their new counsel. Failure to do so may result in being held in default.” *Id.*

14. The PMA Defendants’ deadline to notify the Court of their new counsel in this case was May 6, 2020.

15. To date, the PMA Defendants have not notified the Court of any new counsel in this case.

16. No counsel for any PMA Defendant has entered an appearance in this case since the withdrawal of prior counsel.

17. Nor did any PMA Defendant appear by counsel or otherwise during the Court’s Rule 16 Telephone Conference in this case on May 18, 2020.

18. Accordingly, pursuant to Rule 55(a), the United States respectfully requests that the Clerk of Court enter a default against PMA Defendants. A form of default to be entered against each of these defendants is submitted herewith.

May 19, 2020

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

PETER M. MCCOY, JR.  
United States Attorney  
District of South Carolina

By: s/Beth Warren  
BETH WARREN (#11360)  
Assistant United States Attorney  
1441 Main Street, Suite 500  
Columbia, South Carolina 29201  
Telephone (803) 929-3037  
E-mail: Beth.C.Warren@usdoj.gov

ANDY J. MAO  
DAVID B. WISEMAN  
YOLONDA CAMPBELL  
MICHAEL KASS  
CHRISTOPHER TERRANOVA  
Attorneys, Civil Division  
United States Department of Justice

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

United States of America, ex rel., Donna Rauch,	)	
Muriel Calhoun, and Brandy Knight,	)	
	)	Case No.: 6:15-cv-01589-DCC
Plaintiffs,	)	
	)	
v.	)	
	)	
Oaktree Medical Centre P.C., et. al.,	)	
	)	
Defendants.	)	
	)	
United States of America, ex rel.,	)	
Karen Mathewson,	)	
	)	Case No.: 6:17-cv-01190-DCC
Plaintiff,	)	
	)	
v.	)	
	)	
Dr. Daniel A. McCollum, et. al.,	)	
	)	
Defendants.	)	
	)	
United States of America, ex rel.,	)	
Tracy Hawkins, individually,	)	
	)	Case No.: 8:18-cv-02952-DCC
Plaintiff,	)	
	)	
v.	)	
	)	
Pain Management Associates of the	)	
Carolinas, LLC; Christopher Rubel, M.D.,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of **the United States’ Motion for Default Judgment** upon *pro se* Defendant, Gary Edwards, via United States mail, on May 19, 2020, addressed as follows:

Gary Edwards, 119 Elliot Lane, Easley, SC 29640

Respectfully submitted,

By: s/Beth Warren  
BETH WARREN (#11360)  
Assistant United States Attorney  
1441 Main Street, Suite 500  
Columbia, South Carolina 29201  
Telephone (803) 929-3037  
[Beth.C.Warren@usdoj.gov](mailto:Beth.C.Warren@usdoj.gov)